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**STATE OF CALIFORNIA**  
**WATER RESOURCES CONTROL BOARD**  
**STATE BOARD OF DRINKING WATER**

**TO:** Kern County Parks and Recreation Department  
Tehachapi Mountain Park Water System  
Water System NO. 1502325

**Attn:** Don Woodard, Planner II  
Kern County Parks and Recreation Department  
2820 M Street  
Bakersfield, CA 93301

**CERTIFIED MAIL**

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 22, SECTIONS 64426.1(b)(2) AND 64426.1(b)(4)**

**August 2015**

**C I T A T I O N N O . 03\_19\_16C\_002**

**Issued on January 8, 2016**

**STATEMENT OF FACTS**

Kern County Parks and Recreation Department – Tehachapi Mountain Park Water System (hereinafter Water System) is classified as a transient, non-community Water System and serves a population of approximately 205 persons (mostly visitors to the Park) through 45 service connections. The Water System operates under the authority of a permit issued on November 18, 1971, by the County of Kern (No. 2325), and now is under regulatory jurisdiction of the State Water Resources Control Board (hereinafter

1 “State Board”), Division of Drinking Water. The State Board plans to issue a new  
2 domestic water supply permit to the Water System.

3 Section 116650 of the California Health and Safety Code authorizes the issuance of a  
4 citation to a public water system for violation of the California Safe Drinking Water  
5 Act (Health and Safety Code, State Board 104, Part 12, Chapter 4, commencing with  
6 Section 116270) (hereinafter “California SDWA”), or any regulation, standard, permit  
7 or order issued or adopted thereunder.

8  
9 The State Water Resources Control Board, acting by and through its Division of  
10 Drinking Water and the Deputy Director for the Division of Drinking Water  
11 (hereinafter “Deputy Director”), hereby issues a citation to Kern County Parks and  
12 Recreation Department – Tehachapi Mountain Park Water System (mailing address:  
13 2820 M Street, Bakersfield, CA 93301) for violation of California Code of  
14 Regulations (CCR), Title 22, Sections 64426.1 subsection (b)(2), 64426.1 subsection  
15 (b)(3) and 64426.1(c).

- 16
- 17 • The Water System collects two (2) routine distribution system bacteriological  
18 samples per month, in accordance with its approved Bacteriological Sample  
19 Siting Plan.
  - 20 • One (1) out of the two (2) routine bacteriological quality samples collected on  
21 August 11, 2015, from the distribution system, **tested positive for total**  
22 **coliform bacteria and *E. coli* bacteria.**
  - 23 • One (1) repeat bacteriological sample collected on August 13, 2015, from the  
24 distribution system, tested negative for total coliform bacteria.
  - 25 • One (1) repeat bacteriological sample collected on August 13, 2015, from the  
26 West Spring (also counted towards triggered source sample for compliance  
27 with the Ground Water Rule), tested positive for total coliform bacteria only.

- 1 • Two (2) repeat bacteriological samples collected on August 14, 2015, from the  
2 distribution system, tested negative for total coliform bacteria.
- 3 • **Kern County Parks and Recreation – Tehachapi Mountain Park Water**  
4 **System failed the total coliform maximum contaminant level (MCL) for**  
5 **August 2015 [Sections 64426.1(b)(2) and 64426.1(b)(4), *Authorities*].**
- 6 • **The Water System failed to notify the State Board of the routine *E. coli***  
7 **positive routine sample, collected on August 11, 2015.** On August 14, 2015,  
8 the State Board staff learned of the routine *E. coli* positive coliform sample  
9 from a result, received via email, from Zalco Laboratories, Inc. [Section  
10 **64426.1(c), *Authorities*].**
- 11 • On August 14, 2015, the State Board issued a Boil Water Notice (BWN) to the  
12 Water System, in response to the positive *E. coli* sample collected on August  
13 11, 2015. The Water System was directed to inspect both East and West  
14 Springs (horizontal wells) and the two 57,000-gallon storage tanks.
- 15 • On August 13, 2015, the Water System provided emergency disinfection of the  
16 West Tank and distribution system. The distribution system was also flushed at  
17 that time. Additional disinfection and flushing also took place on August 14,  
18 2015.
- 19 • On August 18, 2015, the Water System was directed to flush chlorine out of  
20 the distribution system and collect special bacteriological samples.
- 21 • On August 20, 2015, five (5) special bacteriological samples collected from the  
22 distribution system and both storage tanks; all seven (7) samples tested  
23 negative for total coliform bacteria.
- 24 • One (1) bacteriological sample collected on August 20, 2015, from the West  
25 Spring tested negative for total coliform bacteria. One (1) bacteriological  
26 sample collected on the same day from the East Spring, tested positive for total  
27 coliform bacteria.

- 1 • Two (2) special bacteriological samples, collected on August 24, 2015, one  
2 from the distribution system and one from the West Tank, tested negative for  
3 total coliform bacteria.
- 4 • One (1) special bacteriological sample collected on August 24, 2015, from the  
5 West Spring, tested positive for total coliform bacteria and *E. coli*.
- 6 • On August 26, 2015, the State Board recommended installation of a new  
7 source sample tap upstream of the West Tank, and directed the Water System  
8 to collect additional samples.
- 9 • After installing the new sampling tap, two (2) samples were collected on  
10 August 31, 2015, from both sources (one from the West Spring and one from  
11 the East Spring), and both samples tested negative for total coliform bacteria,  
12 when analyzed by the MPN test method.
- 13 • Four (4) routine bacteriological samples collected on September 15, 2015,  
14 from the distribution system, tested negative for total coliform bacteria. One  
15 (1) routine sample collected on September 17, 2015, also tested negative for  
16 total coliform bacteria.
- 17 • One (1) bacteriological sample collected on September 17, 2015, from the  
18 West Spring, tested negative for total coliform bacteria.
- 19 • One (1) out of six (6) bacteriological samples collected on September 22, 2015,  
20 from the distribution system, tested positive for total coliform bacteria.
- 21 • One (1) bacteriological sample collected on September 22, 2015, from the  
22 West Tank inlet, tested positive for total coliform bacteria.
- 23 • One (1) out of six (6) bacteriological samples collected on September 29, 2015,  
24 from the distribution system, tested positive for total coliform bacteria. One  
25 (1) bacteriological sample collected on the same day from the West Spring,  
26 tested negative for total coliform bacteria.
- 27

- 1 • Four (4) bacteriological samples collected on October 1, 2015, from the  
2 distribution system, tested negative for total coliform bacteria. One (1)  
3 bacteriological sample collected on the same day from the East Spring, also  
4 tested negative for total coliform bacteria.
- 5 • Six (6) bacteriological samples collected on October 7, 2015, from the  
6 distribution system, tested negative for total coliform bacteria. One (1)  
7 bacteriological sample collected on the same day from the West Tank inlet,  
8 also tested negative for total coliform bacteria.
- 9 • On October 13, 2015, an investigation report was emailed to the Water System,  
10 for the August 2015 *E. coli* positive sample and total coliform MCL failure.
- 11 • On October 20, 2015, the State Board received a completed copy of the  
12 investigation report. Possible causes of the total coliform and *E. coli* positive  
13 samples were described as heavy rains in July 2015, aged galvanized steel  
14 piping between the West Spring (horizontal well) and the West Tank, low head  
15 transmission line from the West Spring to the West tank, and increased  
16 temperature of the water in the storage tanks during summer.
- 17 • Two (2) routine distribution system samples collected on October 20, 2015,  
18 tested negative for total coliform bacteria.
- 19 • On October 23, 2015, A Safe Water Notice was issued by the State Board to  
20 the Water System, cancelling the Boil Water Notice issued August 14, 2015.
- 21 • Two (2) routine distribution system samples collected on November 3, 2015,  
22 tested negative for total coliform bacteria.
- 23 • Results of all (source and distribution) bacteriological samples collected from  
24 January 2015 to November 2015 are summarized in **Attachment A**.

## **AUTHORITIES**

**Section 116577 of the CHSC**, states in relevant part:

"(a) Each public water system shall reimburse the State Board for the actual costs incurred by the State Board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The State Board shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the State Board. The costs set forth in the invoice shall not exceed the total actual costs to the State Board of the enforcement activities specified in this section."...

**Section 116650 of the CHSC**, states in relevant part:

"(a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subsection (e).

(e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation."

**Section 116655 of the CHSC**, states in relevant part:

(a) Whenever the State Board determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the State Board.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board.

**California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A** establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

### **DETERMINATIONS**

Based upon the above *Statement of Facts and Authorities*, the State Board determines that the Kern County Parks and Recreation Department- Tehachapi Mountain Park Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for August 2015, when more than one sample collected in August 2015, tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64426.1(b)(4); Specifically, during the month of August 2015, one repeat sample, following a routine *E.coli* positive sample, tested positive for total coliform bacteria.
3. CCR, Title 22, Section 64426.1(c); Specifically, the Water System failed to notify the State Board within 24 hours of determination that a routine sample collected on August 11, 2015 tested positive for *E. coli* bacteria.

The above violations are classified as non-continuing violations.

### **DIRECTIVES**

Kern County Parks and Recreation Department - Tehachapi Mountain Park Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64426.1(b)(2), 64426.1(b)(4) and 64426.1(c) of Title 22, California Code of Regulations.
2. In the future, the Water System shall notify the State Board within 24 hours of an *E. coli* positive sample or the determination of a total coliform MCL violation.
3. The Water System shall reimburse the State Board, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the State Board) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Sections 116577(a)(1-2) and 116577(b).



**FURTHER ENFORCEMENT ACTIONS**

Section 116270, Chapter 4, Part 12, State Board 104 of the CHSC authorizes the State Board to: issue additional citations with assessment of penalties if a public water system continues to fail or correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the State Board; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the State Board. The State Board does not waive any further enforcement action by issuance of this citation.

**PARTIES BOUND**

This citation shall apply to and be binding upon Kern County Parks and Recreation Department– Tehachapi Mountain Park, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The directives of this citation are severable, and Kern County Parks and Recreation Department – Tehachapi Mountain Park shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**CIVIL PENALTIES**

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the State

Board imposing an administrative penalty of not less than \$200 (two hundred dollars)  
per day as of the date of violation of any provision of this Citation.

Jan. 8, 2016

Date

Jaswinder S. Dhaliwal  
Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Drinking Water Field Operations Branch

Certified Mail No. 7015 0640 0006 0208 6627

JSD/dc

**ATTACHMENT**

Attachment A: Summary of Bacteriological Samples Collected from January  
2015 – November 2015

CC: Kern County Environmental Health Services Department (w/o attachment)  
Bob LeRude, Kern County Parks and Recreation Dept.

# Attachment A

# Kern Co P&R - Tehachapi Mt Park Water

1502325

Distribution System Freq: SPEC

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	CI2	Violation	Comment
1/7/2015	11:50	2-ROU- Mess Hall	A	A		Routine			
1/7/2015	12:45	1ROU-Office	A	A		Routine			
2/3/2015	10:05	2-ROU	A	A		Routine			
2/3/2015	11:55	1-ROU	A	A		Routine			
3/10/2015	1:10	1-ROU	A	A		Routine			
3/10/2015	12:15	4-ROU	A	A		Routine			
4/7/2015	9:40	1-ROU	A	A		Routine			
4/7/2015	10:15	3-ROU	A	A		Routine			
5/12/2015	9:50	2-ROU	A	A		Routine			
5/12/2015	11:00	1-ROU	A	A		Routine			
6/9/2015	10:00	1ROU	A	A		Routine			
6/9/2015	11:30	2ROU	A	A		Routine			
7/7/2015	10:30	2ROU	A	A		Routine			
7/7/2015	11:40	1ROU	A	A		Routine			
8/11/2015	9:45	4ROU (Oak Flat R	P	P		Routine		MCL	Citation 03_19_16C_002 Issued.
8/11/2015	10:40	1ROU (Office)	A	A		Routine			
8/13/2015	9:40	2ROU (Mess Hall)	A	A		Repeat			
8/13/2015	10:10	4ROU (Oak Flat R	A	A		Repeat			
8/14/2015	11:10	CS48 Camp Site 4	A	A		Repeat			
8/14/2015	11:25	WT West Tank	A	A		Repeat			
8/20/2015	1:05	ET East Tank	A	A		Other			
8/20/2015	2:10	WT West Tank	A	A		Other			
8/20/2015	2:30	3ROU (Campsite	A	A		Other			
8/20/2015	2:50	1ROU (Office)	A	A		Other			
8/20/2015	12:10	2ROU (Mess Hall)	A	A		Other			
8/20/2015	12:30	5ROU (Cabins)	A	A		Other			
8/20/2015	12:45	4ROU (Oak Flat R	A	A		Other			
8/24/2015	1:40	West Tank	A	A		Other			
8/24/2015	11:55	2ROU (Mess Hall)	A	A		Other			
9/15/2015	11:30	2ROU (Mess Hall)	A	A		Routine			
9/15/2015	11:45	5ROU (Cabins)	A	A		Routine			
9/15/2015	12:30	3ROU (Site 48)	A	A		Routine			
9/15/2015	12:40	4ROU (Oak Flat R	A	A		Routine			
9/17/2015	12:55	Campsite 33	A	A		Routine			
9/22/2015	1:05	5ROU (Cabins)	A	A		Other			
9/22/2015	1:45	1ROU (Office)	P	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
9/22/2015	10:45	West Tank	A	A		Other			
9/22/2015	11:55	2ROU (Mess Hall)	A	A		Other			
9/22/2015	12:15	Campsite 48	A	A		Other			
9/22/2015	12:45	4ROU (Oak Flat R	A	A		Other			
9/29/2015	1:15	West Tank	A	A		Other			
9/29/2015	10:30	5ROU (Mess Hall,	A	A		Routine			
9/29/2015	10:55	2ROU (Mess Hall)	A	A		Other			
9/29/2015	11:20	4ROU (Oak Flat R	A	A		Other			
9/29/2015	11:35	Campsite 48	A	A		Other			
9/29/2015	11:55	1ROU (Office)	P	A		Other			
10/2/2015	9:05	Maintenance Bldg	A	A		Routine			
10/2/2015	9:25	Office	A	A		Routine			
10/2/2015	9:40	Duck Pond	A	A		Routine			
10/2/2015	9:55	Campsite 41 (East	A	A		Routine			
10/2/2015	10:20	East Tank	A	A		Routine			
10/2/2015	12:30	West Spring (Tank	A	A		Other			
10/7/2015	1:55	Office	A	A		Other			
10/7/2015	10:05	Campsite 48	A	A		Other			
10/7/2015	10:25	Oak Flat RR	A	A		Other			
10/7/2015	10:45	Mess Hall	A	A		Other			
10/7/2015	11:10	Cabins	A	A		Other			
10/7/2015	12:45	West Tank	A	A		Other			
10/8/2015	11:25	Campsite 27	A	A		Other			
10/8/2015	11:50	Yenis Hante Cabin	A	A		Routine			
10/20/2015	11:25	Cabins	A	A		Other			
10/20/2015	12:55	Office	A	A		Other			
11/3/2015	10:10	Office	A	A		Routine			
11/3/2015	10:45	Mess Hall	A	A		Routine			

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## ***Kern Co P&R - Tehachapi Mt Park Water***

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***1502325***

***Source Monitoring Freq:***

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<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
8/13/2015	10:35	WS West Spring	P	A			
8/20/2015	1:30	ES East Spring (1502325-0	P	A			
8/20/2015	1:55	WS West Spring 1502325-	A	A			
8/24/2015	1:15	West Spring	P	P			
8/31/2015	12:40	East Spring (Campsite 4) 1	<1.1	<1.1			
8/31/2015	14:40	West Spring	<1.1	<1.1			
9/17/2015	11:55	West Spring (Tank Inlet)	A	A			
9/22/2015	10:35	West Spring (Tank Inlet)	P	A			
9/29/2015	1:25	West Spring (Tank Inlet)	A	A			

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